



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,227	06/14/2000	Edward B. Eytchison	SONY-50N3796	7842

7590 03/07/2006

Wagner Murabito & Hao LLP
Two North Market Street
Third Floor
San Jose, CA 95113

EXAMINER

HO, CHUONG T

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,227

Applicant(s)

EYCHISON ET AL.

Examiner

CHUONG T. HO

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The amendment filed 02/16/06 have been entered and made of record .
2. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 8-14, 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman (U.S. Patent No. 6,243,707 B1) in view of Robles et al. (U.S. Patent No. 6,567,807 B1) and in further view of Orr (U.S. Patent No. 6,760,535 B1).

In the claim 1, Humpleman et al. discloses the section manager, when properly activated, generates a session page that provides an interface which allows users to command and control the home devices that are connected to the home network in order to perform various functions and/or services (see col. 14, lines 20-25); comprising:

- Receiving a service-based request from a user (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly

established and performed), wherein service-based request does not indicate a consumer electronic device of said plurality of consumer electronic device for carrying out service-based request (see col. 17, lines 38-41, the HTML page may identify services available to the user by content, such as by providing a list of video or audio programs, etc., which are available on the home network regardless of the device on which such content is being provided), wherein service-based (DTV, VCR) (see col. 19, lines 1-6, col. 15, lines 1-4) request comprises a request to record content;

- Constructing a service request list that stores a plurality of events to be executed chronologically and sequentially, wherein plurality of events are device-specific and wherein plurality of events are necessary for carrying out service-based request (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed);
- Provided that service request list does not conflict with another service request list, storing service request list and executing plurality of events chronologically and sequentially according to service request list ((see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed) (the session manager may cause the DVCR 754 to save a first state, e.g., "time record", and the DTV to save a second state, e.g.,

Art Unit: 2664

"timer select a program". A clock later trigger the saved states into action, see col. 15, lines 3-5);

- a source (DTV) consumer electronic device for playing content and an intermediate (DVCR.) consumer electronic device for recording content (see col. 14, lines 40-42, lines 53-55, send further command/control information to either or both the DTV and DVCR to display and/or record the TV show).

However, Humpleman et al. is silent to disclosing determining whether service request list conflicts with another service request list.

Robles et al. discloses determining whether service request list conflicts with another service request list (events managers 101 further provides a conflict detection and reporting capability that automatically detects and notifies users of date/time scheduling conflict among events 150 for reporting organizations contained in a particular user's watchlist 160 (see col. 8, lines 15-37); providing that service request list does not conflict with another service request list (see col. 8, lines 15-37).

Both Humpleman, Robles discloses the scheduling event. Robles recognizes determining whether service request list conflicts with another service request list. Then, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Humpleman with the teaching of Robles to determine whether service request list conflicts with another service request list in order to avoid the occurrence of conflict events. Therefore, the combined system would have been enable the event manager to carry out the request action efficiently whether sufficient bandwidth resource is available.

However, the combined system (Humpleman – Robles) is silent to disclosing determining a source (TV) consumer electronic device for playing content and an intermediate (DTV, VCR, DVD, etc.) consumer electronic device for recording content; and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content.

Orr (U.S. Patent No. 6,760,535) discloses and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content (see col. 7, lines 25-37, If the programming has not yet been recorded or otherwise is not found on the hard drive, then the method proceeds to Step 206 and determines whether the hard drive has sufficient available space to record the programming. Because it may be difficult to determine ahead of time whether content received over a data channel is too large to fit within the available space on the hard drive, Step 206 may actually be performed upon a write error to the hard drive. In the absence of such an error, the hard drive finds sufficient space to store the programming, and proceeds to Step 208. At Step 208, the method stores the programming content within a new show field that the method creates within the archive of recorded content 100 (shown in FIG. 2)).

Both Humpleman, Robles, and Orr et al. disclose home network. Van Ee. et al. discloses determining a source (TV) consumer electronic device for playing content and an intermediate (DTV, VCR, DVD, etc.) consumer electronic device for recording content; and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for

Art Unit: 2664

recording content. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Humpleman – Robles) with the teaching of Orr to determine an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content in order to manage of a video archive for a digital personal video recorder (PVR).

6. In the claim 8, Humpleman et al. discloses the section manager, when properly activated, generates a session page that provides an interface which allows users to command and control the home devices that are connected to the home network in order to perform various functions and/or services (see col. 14, lines 20-25); comprising:

- Receiving a service-based request from a user (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed), wherein service-based request does not indicate a consumer electronic device of said plurality of consumer electronic device for carrying out service-based request (see col. 17, lines 38-41, the HTML page may identify services available to the user by content, such as by providing a list of video or audio programs, etc., which are available on the home network regardless of the device on which such content is being provided), wherein service-based (DTV, VCR) (see col. 19, lines 1-6, col. 15, lines 1-4) request comprises a request to record content;

- Constructing a service request list that stores a plurality of events to be executed chronologically and sequentially, wherein plurality of events are device-specific and wherein plurality of events are necessary for carrying out service-based request (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed);
- Provided that service request list does not conflict with another service request list, storing service request list and executing plurality of events chronologically and sequentially according to service request list ((see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed) (the session manager may cause the DVCR 754 to save a first state, e.g., "time record", and the DTV to save a second state, e.g., "timer select a program". A clock later trigger the saved states into action, see col. 15, lines 3-5);
- a source (DTV) consumer electronic device for playing content and an intermediate (DVCR.) consumer electronic device for recording content (see col. 14, lines 40-42, lines 53-55, send further command/control information to either or both the DTV and DVCR to display and/or record the TV show).

However, Humpleman et al. is silent to disclosing determining whether service request list conflicts with another service request list.

Robles et al. discloses determining whether service request list conflicts with another service request list (events managers 101 further provides a conflict detection and reporting capability that automatically detects and notifies users of date/time scheduling conflict among events 150 for reporting organizations contained in a particular user's watchlist 160 (see col. 8, lines 15-37); providing that service request list does not conflict with another service request list (see col. 8, lines 15-37).

Both Humpleman, Robles discloses the scheduling event. Robles recognizes determining whether service request list conflicts with another service request list. Then, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Humpleman with the teaching of Robles to determine whether service request list conflicts with another service request list in order to avoid the occurrence of conflict events. Therefore, the combined system would have been enable the event manager to carry out the request action efficiently whether sufficient bandwidth resource is available.

Orr (U.S. Patent No. 6,760,535) discloses and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content (see col. 7, lines 25-37, If the programming has not yet been recorded or otherwise is not found on the hard drive, then the method proceeds to Step 206 and determines whether the hard drive has sufficient available space to record the programming. Because it may be difficult to determine ahead of time whether content received over a data channel is too large to fit within the available space on the hard drive, Step 206 may actually be performed upon

Art Unit: 2664

a write error to the hard drive. In the absence of such an error, the hard drive finds sufficient space to store the programming, and proceeds to Step 208. At Step 208, the method stores the programming content within a new show field that the method creates within the archive of recorded content 100 (shown in FIG. 2)).

Both Humpleman, Robles, and Orr et al. disclose home network. Van Ee. et al. discloses determining a source (TV) consumer electronic device for playing content and an intermediate (DTV, VCR, DVD, etc.) consumer electronic device for recording content; and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Humpleman – Robles) with the teaching of Orr to determine an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content in order to manage of a video archive for a digital personal video recorder (PVR).

7. In the claim 15, Humpleman et al. discloses the section manager, when properly activated, generates a session page that provides an interface which allows users to command and control the home devices that are connected to the home network in order to perform various functions and/or services (see col. 14, lines 20-25); comprising:

- Receiving a service-based request from a user (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly

- established and performed), wherein service-based request does not indicate a consumer electronic device of said plurality of consumer electronic device for carrying out service-based request (see col. 17, lines 38-41, the HTML page may identify services available to the user by content, such as by providing a list of video or audio programs, etc., which are available on the home network regardless of the device on which such content is being provided), wherein service-based (DTV, VCR) (see col. 19, lines 1-6, col. 15, lines 1-4) request comprises a request to record content;
- Constructing a service request list that stores a plurality of events to be executed chronologically and sequentially, wherein plurality of events are device-specific and wherein plurality of events are necessary for carrying out service-based request (see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed);
 - Provided that service request list does not conflict with another service request list, storing service request list and executing plurality of events chronologically and sequentially according to service request list ((see col. 20, lines 17-20, the session manager is also responsible for querying various home devices for their data specifications, in order to ensure the requested user service is properly established and performed) (the session manager may cause the DVCR 754 to save a first state, e.g., "time record", and the DTV to save a second state, e.g.,

"timer select a program". A clock later trigger the saved states into action, see col. 15, lines 3-5).

- a source (DTV) consumer electronic device for playing content and an intermediate (DVCR.) consumer electronic device for recording content (see col. 14, lines 40-42, lines 53-55, send further command/control information to either or both the DTV and DVCR to display and/or record the TV show).

However, Humpleman et al. is silent to disclosing determining whether service request list conflicts with another service request list.

Robles et al. discloses determining whether service request list conflicts with another service request list (events managers 101 further provides a conflict detection and reporting capability that automatically detects and notifies users of date/time scheduling conflict among events 150 for reporting organizations contained in a particular user's watchlist 160 (see col. 8, lines 15-37); providing that service request list does not conflict with another service request list (see col. 8, lines 15-37).

Both Humpleman, Robles discloses the scheduling event. Robles recognizes determining whether service request list conflicts with another service request list. Then, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Humpleman with the teaching of Robles to determine whether service request list conflicts with another service request list in order to avoid the occurrence of conflict events. Therefore, the combined system would have been enable the event manager to carry out the request action efficiently whether sufficient bandwidth resource is available.

Orr (U.S. Patent No. 6,760,535) discloses and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content (see col. 7, lines 25-37, If the programming has not yet been recorded or otherwise is not found on the hard drive, then the method proceeds to Step 206 and determines whether the hard drive has sufficient available space to record the programming. Because it may be difficult to determine ahead of time whether content received over a data channel is too large to fit within the available space on the hard drive, Step 206 may actually be performed upon a write error to the hard drive. In the absence of such an error, the hard drive finds sufficient space to store the programming, and proceeds to Step 208. At Step 208, the method stores the programming content within a new show field that the method creates within the archive of recorded content 100 (shown in FIG. 2)).

Both Humpleman, Robles, and Orr et al. disclose home network. Van Ee. et al. discloses determining a source (TV) consumer electronic device for playing content and an intermediate (DTV, VCR, DVD, etc.) consumer electronic device for recording content; and determining an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for recording content. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system (Humpleman – Robles) with the teaching of Orr to determine an amount of recording medium (DTV, VCR, DVD) of intermediate consumer electronic device (DTV, VCR, DVD) that is available for

recording content in order to manage of a video archive for a digital personal video recorder (PVR).

8. In the claims 2, 9, 16, Humpleman et al. discloses service request list contains details of a source consumer electronic device and of a destination consumer electronic device (see col. 27, lines 42-55), said details comprising control information (see col. 8, lines 60-63) and timing information of source consumer electronic device and destination consumer electronic device (see col. 17, lines 40-50).

9. In the claims 3, 10, 17, Humpleman discloses service request list comprises information that describes routing information that allows source consumer electronic device to be routed to destination consumer electronic device (see col. 27, lines 42-55, col. 8, lines 60-63, col. 17, lines 40-50).

10. In the claims 4, 11, 18, Humpleman discloses determining electronic device and a destination consumer electronic device that are necessary for performing service-based request; and determining availability of source consumer electronic device and destination consumer electronic device at a time service-based request is to be rendered (see col. 11, lines 32-40).

11. In the claims 5, 12, 19, Humpleman discloses determining a source consumer electronic device for receiving a broadcast program, an intermediate consumer electronic device for storing broadcast program, and a destination consumer electronic device for displaying broadcast program; and determining availability of source consumer electronic device and intermediate consumer electronic device, and

Art Unit: 2664

destination consumer electronic device according to timing information contained within service request list (see col. 27, lines 42-55, col. 8, lines 60-63, col. 17, lines 40-50).

12. In the claims 6, 13, 20, Humpleman et al. discloses determining an amount of media of intermediate consumer electronic device that is available for recording broadcast program (see col. 17, lines 30-48).

13. In the claims 7, 14, 21, Robles et al. discloses denying service-based request provided service-based request is in conflict with another service-based request (see col. 8, lines 15-37).

Conclusion


1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T HO whose telephone number is (571) 272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2664

3/1/06



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600